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NAME:	FACSIMILE:	TELEPHONE:
ATTN: Mr. Paul Huber  Group Art Unit: 2653	(571) 273-8300	(571) 272-7588

**FROM:** Beverly Carter**DATE:** February 8, 2006

Number of pages with cover page:	3	RE: U.S. Patent Application No. 10/611,330 Our Ref.: 39303-20422.10
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**Comments:**

Mr. Huber,

Pursuant to your request, attached is the terminal disclaimer, along with our fee transmittal authorizing charging the fee to our Deposit Account.

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LA-815688

FEB 08 2006

PTO/SB/26 (09-04)

Approved for use through 07/31/2003. OMB 0651-0031  
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<b>TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT</b>	<b>Docket Number (Optional)</b> <b>393032042210</b>
In re Application of: <b>Katsuichi OSAKABE</b> Application No.: <b>10/611,330</b> Filed: <b>July 1, 2003</b> For: <b>RECORDABLE OPTICAL DISK AND OPTICAL DISK RECORDING DEVICE UTILIZING PRE-RECORDED RECORDING SPEED INFORMATION</b>	
The owner*, <u><b>Yamaha Corporation</b></u> , of <u><b>100</b></u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. <u><b>6,894,961</b></u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.  In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.  Check either box 1 or 2 below, if appropriate.	
1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.  I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	
2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u><b>44,415</b></u>  <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">             Signature         </div> <div style="text-align: center;"> <u><b>February 8, 2006</b></u>            Date         </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;"> <u><b>David T. Yang</b></u>            Typed or printed name         </div> <div style="text-align: center;"> <u><b>(213) 892-5587</b></u>            Telephone Number         </div> </div>	
<input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.  *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/86 may be used for making this certification. See MPEP § 324.	

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 I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile nos. (571) 273-7588 and (571) 273-8300, on the date shown below.  
 Dated: February 8, 2006 Signature:  (Beverly S. Carter)

PTO/SB/17 (12-04v2)  
Approved for use through 7/31/2006. OMB 0651-0032  
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4819). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/611,330
		Filing Date	July 1, 2003
		First Named Inventor	Katsuichi OSAKABE
		Examiner Name	P. W. Huber
		Art Unit	2653
TOTAL AMOUNT OF PAYMENT (\$) 130.00		Attorney/Docket No.	393032042210

**METHOD OF PAYMENT (check all that apply)**

☐ Check   
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For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
			0	
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	
			0	

**3. APPLICATION SIZE FEE**


If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x		0

**4. OTHER FEE(S)**

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 2814 Statutory Disclaimer	130.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	44,415	Telephone	(213) 892-5587
Name (Print/Type)	David T. Yang	Date	February 8, 2006		

VIA FACSIMILE

la-842969